

Senator Ed Mayne proposes the following substitute bill:

LENDERS REGISTRATION ACTS

AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ed Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Check Cashing Registration Act and the Title Lending Registration Act.

Highlighted Provisions:

This bill:

- ▶ provides for an administrative fine under certain circumstances related to the failure to be registered under the registration acts;
- ▶ expands the disclosures required for a deferred deposit loan;
- ▶ expands requirements for contracts of loans under the registration acts;
- ▶ establishes requirements for rolling over a deferred deposit loan;
- ▶ adds to the operational requirements of lenders under the registration acts;
- ▶ addresses the use of a check casher's name on an application and promissory note;
- ▶ addresses transactions involving persons other than the check casher;
- ▶ provides for enforcement by the department of specified federal statutes and regulations incorporated into the registration acts and of administrative rules;
- ▶ requires the department to respond in writing to certain written complaints;
- ▶ addresses timing of examinations;



- 26 ▶ provides for the imposition of administrative fines in general;
- 27 ▶ modifies exemptions from the registration acts; and
- 28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 **AMENDS:**

- 35 **7-23-103**, as last amended by Chapter 69, Laws of Utah 2003
- 36 **7-23-105**, as last amended by Chapter 69, Laws of Utah 2003
- 37 **7-23-106**, as last amended by Chapter 69, Laws of Utah 2003
- 38 **7-23-107**, as last amended by Chapter 69, Laws of Utah 2003
- 39 **7-23-108**, as enacted by Chapter 144, Laws of Utah 1999
- 40 **7-23-110**, as enacted by Chapter 144, Laws of Utah 1999
- 41 **7-24-201**, as enacted by Chapter 236, Laws of Utah 2003
- 42 **7-24-202**, as enacted by Chapter 236, Laws of Utah 2003
- 43 **7-24-301**, as enacted by Chapter 236, Laws of Utah 2003
- 44 **7-24-303**, as enacted by Chapter 236, Laws of Utah 2003
- 45 **7-24-305**, as enacted by Chapter 236, Laws of Utah 2003



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **7-23-103** is amended to read:

49 **7-23-103. Registration -- Rulemaking.**

50 (1) (a) It is unlawful for a person to engage in the business of a check casher in Utah or
51 with a Utah resident unless the person:

52 (i) registers with the department in accordance with this chapter; and

53 (ii) maintains a valid registration.

54 (b) It is unlawful for a person to operate a mobile facility in this state to engage in the
55 business of a check casher.

56 ~~[(c) Notwithstanding Subsection (1)(a), a person that is engaged in the business of a~~

57 ~~check casher in this state on May 3, 1999, is not required to be registered under this section~~
58 ~~until July 1, 1999.]~~

59 (2) (a) A registration and a renewal of a registration expires on April 30 of each year
60 unless on or before that date the person renews the registration.

61 (b) To register under this section, a person shall:

62 (i) pay an original registration fee established under Subsection 7-1-401(8); and

63 (ii) submit a registration statement containing the information described in Subsection

64 (2)(d).

65 (c) To renew a registration under this section, a person shall:

66 (i) pay the annual fee established under Subsection 7-1-401(5); and

67 (ii) submit a renewal statement containing the information described in Subsection

68 (2)(d).

69 (d) A registration or renewal statement shall state:

70 (i) the name of the person;

71 (ii) the name in which the business will be transacted if different from that required in

72 Subsection (2)(d)(i);

73 (iii) the address of the person's principal business office, which may be outside this
74 state;

75 (iv) the addresses of all offices in this state at which the person conducts the business
76 of a check casher;

77 (v) if the person conducts the business of a check casher in this state but does not
78 maintain an office in this state, a brief description of the manner in which the business is
79 conducted;

80 (vi) the name and address in this state of a designated agent upon whom service of
81 process may be made;

82 (vii) disclosure of any injunction, judgment, administrative order, or conviction of any
83 crime involving moral turpitude with respect to that person or any officer, director, manager,
84 operator, or principal of that person; and

85 (viii) any other information required by the rules of the department.

86 (e) (i) The commissioner may impose an administrative fine determined under

87 Subsection (2)(e)(ii) on a person if:

88 (A) the person is required to be registered under this chapter;
89 (B) the person fails to register or renew a registration in accordance with this chapter;
90 (C) the department notifies the person that the person is in violation of this chapter for
91 failure to be registered; and

92 (D) the person fails to register within 30 days after the day on which the person
93 receives the notice described in Subsection (2)(e)(i)(C).

94 (ii) Subject to Subsection (2)(e)(iii), the administrative fine is:

95 (A) \$500 if the person:

96 (I) has no office in this state at which the person conducts the business of a check
97 cashier; or

98 (II) has one office in this state at which the person conducts the business of a check
99 cashier; or

100 (B) if the person has two or more offices in this state at which the person conducts the
101 business of a check cashier, \$500 for each office at which the person conducts the business of a
102 check cashier.

103 (iii) The commissioner may reduce or waive a fine imposed under this Subsection
104 (2)(e) if the person shows good cause.

105 (3) If the information in a registration or renewal statement required under Subsection
106 (2) becomes inaccurate after filing, a person is not required to notify the department until:

107 (a) that person is required to renew the registration; or

108 (b) the department specifically requests earlier notification.

109 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
110 department may make rules consistent with this section providing for the form, content, and
111 filing of a registration and renewal statement.

112 Section 2. Section **7-23-105** is amended to read:

113 **7-23-105. Operational requirements for deferred deposit loans.**

114 (1) If a check cashier extends a deferred deposit loan, the check cashier shall:

115 (a) post in a conspicuous location on its premises that can be viewed by a person
116 seeking a deferred deposit loan:

117 (i) a complete schedule of any interest or fees charged for a deferred deposit loan that
118 states the interest and fees using dollar amounts;

119 (ii) a number the person can call to make a complaint to the department regarding the
120 deferred deposit loan; and

121 (iii) a list of states where the check casher is registered or authorized to offer deferred
122 deposit loans through the Internet or other electronic means;

123 (b) enter into a written contract for the deferred deposit loan;

124 (c) conspicuously disclose in the written contract:

125 (i) that under Subsection (3)(a), a person receiving a deferred deposit loan may make a
126 partial payment in increments of at least \$5 on the principal owed on the deferred deposit loan
127 without incurring additional charges above the charges provided in the written contract;

128 (ii) that under Subsection (3)(b), a person receiving a deferred deposit loan may rescind
129 the deferred deposit loan on or before 5 p.m. of the next business day without incurring any
130 charges; and

131 (iii) that[;] under Subsection (4)(b), the deferred deposit loan may not be rolled over
132 [beyond];

133 (A) without the person receiving the deferred deposit loan requesting the rollover of
134 the deferred deposit loan; and

135 (B) if the roll over requires the person to pay the amount owed by the person under the
136 deferred deposit loan in whole or in part more than 12 weeks after the day on which the
137 deferred deposit loan is executed; and

138 (iv) (A) the name and address of a designated agent required to be provided the
139 department under Subsection 7-23-103(2)(d)(vi); and

140 (B) a statement that service of process may be made to the designated agent;

141 (d) provide the person seeking the deferred deposit loan a copy of the deferred deposit
142 contract;

143 (e) orally review with the person seeking the deferred deposit loan the terms of the
144 deferred deposit loan including:

145 (i) the amount of any interest rate or fee;

146 (ii) the date on which the full amount of the deferred deposit loan is due; [~~and~~]

147 (iii) that under Subsection (3)(a), a person receiving a deferred deposit loan may make
148 a partial payment in increments of at least \$5 on the principal owed on the deferred deposit
149 loan without incurring additional charges above the charges provided in the written contract;

150 (iv) that under Subsection (3)(b), a person receiving a deferred deposit loan may
151 rescind the deferred deposit loan on or before 5 p.m. of the next business day without incurring
152 any charges; and

153 ~~[(iii) the fact]~~ (v) that under Subsection (4)(b) the deferred deposit loan may not be
154 rolled over ~~beyond~~:

155 (A) without the person receiving the deferred deposit loan requesting the rollover of
156 the deferred deposit loan; and

157 (B) if the roll over requires the person to pay the amount owed by the person under the
158 deferred deposit loan in whole or in part more than 12 weeks after the day on which the
159 deferred deposit loan is executed; and

160 (f) comply with:

161 (i) Truth in Lending Act, 15 U.S.C. Sec. 1601 et seq. and its implementing federal
162 regulations;

163 (ii) Equal Credit Opportunity Act, 15 U.S.C. Sec. 1691[;] and its implementing federal
164 regulations;

165 (iii) Bank Secrecy Act, 12 U.S.C. Sec. 1829b, 12 U.S.C. 1951 through 1959, and 31
166 U.S.C. Sec. 5311 through 5332, and its implementing federal regulations; and

167 ~~[(iii)]~~ (iv) Title 70C, Utah Consumer Credit Code.

168 (2) If a check casher extends a deferred deposit loan through the Internet or other
169 electronic means, the check casher shall provide the information described in Subsection (1)(a)
170 to the person receiving the deferred deposit loan:

171 (a) in a conspicuous manner; and

172 (b) prior to the ~~completion of~~ person entering into the deferred deposit loan.

173 (3) A check casher that engages in a deferred deposit loan shall permit a person
174 receiving a deferred deposit loan to:

175 (a) make partial payments in increments of at least \$5 on the principal owed on the
176 deferred deposit loan at any time prior to maturity without incurring additional charges above
177 the charges provided in the written contract; and

178 (b) rescind the deferred deposit loan without incurring any charges by returning the
179 deferred deposit loan amount to the check casher on or before 5 p.m. the next business day
180 following the deferred deposit loan transaction.

- 181 (4) A check casher that engages in a deferred deposit loan may not:
- 182 (a) collect additional interest on a deferred deposit loan with an outstanding principal
- 183 balance 12 weeks after the day on which the deferred deposit loan is executed;
- 184 (b) rollover a deferred deposit loan;
- 185 (i) without the person receiving the deferred deposit loan requesting the rollover of the
- 186 deferred deposit loan; and
- 187 (ii) if the rollover requires a person to pay the amount owed by the person under a
- 188 deferred deposit loan in whole or in part more than 12 weeks from the day on which the
- 189 deferred deposit loan is first executed; or
- 190 (c) threaten to use or use the criminal process in any state to collect on the deferred
- 191 deposit loan.

192 (5) Notwithstanding Subsections (4)(a) and (4)(c), a check casher that is the holder of a

193 check, draft, order, or other instrument that has been dishonored may use the remedies and

194 notice procedures provided in Title 7, Chapter 15, Dishonored Instruments.

195 (6) For a deferred deposit loan executed on or after May 1, 2006, a check casher that

196 extends a deferred deposit loan:

- 197 (a) shall use only the name listed in Subsection 7-23-103(2)(d)(i) or (ii) on:
- 198 (i) an application for a deferred deposit loan; and
- 199 (ii) the promissory note for a deferred deposit loan; and
- 200 (b) may not arrange a deferred deposit loan on behalf of another person if that person is
- 201 not registered as a check casher under this chapter.

202 Section 3. Section **7-23-106** is amended to read:

203 **7-23-106. Enforcement by department -- Rulemaking.**

204 (1) Subject to the requirements of Title 63, Chapter 46b, Administrative Procedures

205 Act, the department may:

- 206 [(+)] (a) receive and act on complaints;
- 207 (b) take action designed to obtain voluntary compliance with this chapter;
- 208 (c) commence administrative or judicial proceedings on its own initiative to enforce
- 209 compliance with this chapter including the federal law incorporated by reference to this chapter
- 210 under Section 7-23-105; or
- 211 (d) take action against any check casher that fails to:

212 (i) respond to the department, in writing within [~~30~~] 15 days, to a complaint filed with
213 the department; or

214 (ii) submit information as requested by the department[;].

215 (2) The department may:

216 [~~(2)~~] (a) counsel persons and groups on their rights and duties under this chapter;

217 [~~(3)~~] (b) make rules in accordance with Title 63, Chapter 46a, Utah Administrative
218 Rulemaking Act, to:

219 [~~(a)~~] (i) restrict or prohibit lending or servicing practices that are misleading, unfair, or
220 abusive;

221 [~~(b)~~] (ii) promote or assure fair and full disclosure of the terms and conditions of
222 agreements and communications between check cashers and customers; or

223 [~~(c)~~] (iii) promote or assure uniform application of or to resolve ambiguities in
224 applicable state or federal laws or federal regulations; and

225 [~~(4)~~] (c) employ hearing examiners, clerks, and other employees and agents as
226 necessary to perform [its] the department's duties under this chapter.

227 (3) The department shall:

228 (a) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
229 make rules establishing when information required to be conspicuously disclosed in a contract
230 under this chapter is considered to be conspicuously disclosed; and

231 (b) respond in writing to a complaint filed with the department:

232 (i) by no later than 30 days from the day on which the complaint is filed with the
233 department; and

234 (ii) if the complaint:

235 (A) is in writing;

236 (B) provides an address to which the department may send a response; and

237 (C) is made by a person who obtained or attempted to obtain a deferred deposit loan
238 covered by this chapter.

239 Section 4. Section **7-23-107** is amended to read:

240 **7-23-107. Examination of books, accounts, and records by the department.**

241 (1) At least [~~once every calendar year~~] annually the department shall, for each premise
242 engaging in the business of a check casher:

243 (a) examine the books, accounts, and records; and

244 (b) make investigations to determine compliance with this chapter.

245 (2) In accordance with Section 7-1-401, the check casher shall pay a fee for an
246 examination conducted under Subsection (1).

247 Section 5. Section **7-23-108** is amended to read:

248 **7-23-108. Penalties.**

249 (1) A person who violates this chapter or who files materially false information with a
250 registration or renewal under Section 7-23-103 is:

251 (a) guilty of a class B misdemeanor except for a violation of:

252 (i) Subsection 7-23-105(1)(f)(i), (ii), or (iii); or

253 (ii) rules made under Section 7-23-106; and

254 (b) subject to revocation of a person's registration under this chapter.

255 (2) Subject to Title 63, Chapter 46b, Administrative Procedures Act, if the department
256 determines that a person is engaging in the business of cashing checks in violation of this
257 chapter, the department may:

258 (a) revoke that person's registration under this chapter;

259 (b) issue a cease and desist order from committing any further violations; [~~or~~]

260 (c) prohibit the person from continuing to engage in the business of a check casher[-];

261 (d) impose an administrative fine not to exceed \$1,000 per violation, except that a fine
262 imposed under Subsection 7-23-103(2)(e) shall comply with Subsection 7-23-103(2)(e); or

263 (e) take any combination of actions listed under this Subsection (2).

264 Section 6. Section **7-23-110** is amended to read:

265 **7-23-110. Exemptions.**

266 The following are not subject to the requirements of this chapter:

267 (1) a depository institution authorized to do business in Utah as a depository
268 institution;

269 (2) a depository institution holding company authorized to do business in Utah as a
270 depository institution holding company;

271 (3) an institution directly or indirectly owned or controlled by one or more:

272 (a) depository institutions authorized to do business in Utah as depository institutions;

273 or

274 (b) depository institution holding companies authorized to do business in Utah as
275 depository institution holding companies; or

276 (4) a person that cashes a check in a transaction:

277 (a) that is incidental to the retail sale of goods or services; and

278 (b) for consideration that does not exceed the greater of:

279 (i) 1% of the amount of the check; or

280 (ii) \$1.

281 Section 7. Section **7-24-201** is amended to read:

282 **7-24-201. Registration -- Rulemaking.**

283 (1) (a) It is unlawful for a person to extend a title loan in Utah or with a Utah resident
284 unless the person:

285 (i) registers with the department in accordance with this chapter; and

286 (ii) maintains a valid registration.

287 (b) It is unlawful for a person to operate a mobile facility in this state to extend a title
288 loan.

289 ~~[(c) Notwithstanding Subsection (1)(a), a person that is a title lender in this state on~~
290 ~~May 5, 2003, is not required to be registered under this section until July 1, 2003.]~~

291 (2) (a) A registration and a renewal of a registration expires on April 30 of each year
292 unless on or before that date the person renews the registration.

293 (b) To register under this section, a person shall:

294 (i) pay an original registration fee established under Subsection 7-1-401(8); and

295 (ii) submit a registration statement containing the information described in Subsection

296 (2)(d).

297 (c) To renew a registration under this section, a person shall:

298 (i) pay the annual fee established under Subsection 7-1-401(5); and

299 (ii) submit a renewal statement containing the information described in Subsection

300 (2)(d).

301 (d) A registration or renewal statement shall state:

302 (i) the name of the person;

303 (ii) the name in which the business will be transacted if different from that required in

304 Subsection (2)(d)(i);

- 305 (iii) the address of the person's principal business office, which may be outside this
306 state;
- 307 (iv) the addresses of all offices in this state at which the person extends title loans;
- 308 (v) if the person extends title loans in this state but does not maintain an office in this
309 state, a brief description of the manner in which the business is conducted;
- 310 (vi) the name and address in this state of a designated agent upon whom service of
311 process may be made;
- 312 (vii) disclosure of any injunction, judgment, administrative order, or conviction of any
313 crime involving moral turpitude with respect to that person or any officer, director, manager,
314 operator, or principal of that person; and
- 315 (viii) any other information required by the rules of the department.
- 316 (e) (i) The commissioner may impose an administrative fine determined under
317 Subsection (2)(e)(ii) on a person if:
- 318 (A) the person is required to be registered under this chapter;
319 (B) the person fails to register or renew a registration in accordance with this chapter;
320 (C) the department notifies the person that the person is in violation of this chapter for
321 failure to be registered; and
- 322 (D) the person fails to register within 30 days after the day on which the person
323 receives the notice described in Subsection (2)(e)(i)(C).
- 324 (ii) Subject to Subsection (2)(e)(iii), the administrative fine is:
- 325 (A) \$500 if the person:
- 326 (I) has no office in this state at which the person extends a title loan; or
327 (II) has one office in this state at which the person extends a title loan; or
328 (B) if the person has two or more offices in this state at which the person extends a title
329 loan, \$500 for each office at which the person extends a title loan.
- 330 (iii) The commissioner may reduce or waive a fine imposed under this Subsection
331 (2)(e) if the person shows good cause.
- 332 (3) If the information in a registration or renewal statement required under Subsection
333 (2) becomes inaccurate after filing, a person is not required to notify the department until:
- 334 (a) that person is required to renew the registration; or
335 (b) the department specifically requests earlier notification.

336 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
337 department may make rules consistent with this section providing for the form, content, and
338 filing of a registration and renewal statement.

339 Section 8. Section **7-24-202** is amended to read:

340 **7-24-202. Operational requirements for title loans.**

341 (1) A title lender shall:

342 (a) post in a conspicuous location on its premises that can be viewed by a person
343 seeking a title loan:

344 (i) a complete schedule of any interest or fees charged for a title loan that states the
345 interest and fees:

346 (A) as dollar amounts; and

347 (B) as annual percentage rates; and

348 (ii) a telephone number a person may call to make a complaint to the department
349 regarding a title loan;

350 (b) enter into a written contract for the title loan containing:

351 (i) the name of the person receiving the title loan;

352 (ii) the transaction date;

353 (iii) the amount of the title loan; [~~and~~]

354 (iv) a statement of the total amount of any interest or fees that may be charged for the
355 title loan, expressed as:

356 (A) a dollar amount; and

357 (B) an annual percentage rate; and

358 (v) (A) the name and address of the designated agent required to be provided the
359 department under Subsection 7-24-201(2)(d)(vi); and

360 (B) a statement that service of process may be made to the designated agent;

361 (c) provide the person seeking the title loan a copy of the written contract described in
362 Subsection (1)(b);

363 (d) prior to the execution of the title loan:

364 (i) orally review with the person seeking the title loan the terms of the title loan
365 including:

366 (A) the amount of any interest rate or fee, expressed as:

- 367 (I) a dollar amount; and
368 (II) an annual percentage rate; and
369 (B) the date on which the full amount of the title loan is due; and
370 (ii) provide the person seeking the title loan a copy of the disclosure form adopted by
371 the department under Section 7-24-203; and
372 (e) comply with:
373 (i) Truth in Lending Act, 15 U.S.C. Sec. 1601 et seq. and its implementing federal
374 regulations;
375 (ii) Equal Credit Opportunity Act, 15 U.S.C. Sec. 1691[;] and its implementing federal
376 regulations;
377 (iii) Bank Secrecy Act, 12 U.S.C. Sec. 1829b, 12 U.S.C. Sec. 1951 through 1959, and
378 31 U.S.C. Sec. 5311 and 5332, and its implementing federal regulations; and
379 [(iii)] (iv) Title 70C, Utah Consumer Credit Code.
380 (2) If a title lender extends a title loan through the Internet or other electronic means,
381 the title lender shall:
382 (a) provide the information described in Subsection (1)(a) to the person receiving the
383 title loan:
384 (i) in a conspicuous manner; and
385 (ii) prior to the [~~completion of~~] person entering into the title loan; and
386 (b) in connection with the disclosure required under Subsection (2)(a), provide a list of
387 states where the title lender is registered or authorized to offer title loans through the Internet or
388 other electronic means.
389 (3) A title lender may not:
390 (a) rollover a title loan unless the person receiving the title loan requests a rollover of
391 the title loan;
392 (b) extend more than one title loan on any vehicle at one time;
393 (c) extend a title loan that exceeds the fair market value of the vehicle securing the title
394 loan; or
395 (d) extend a title loan without regard to the ability of the person seeking the title loan to
396 repay the title loan, including the person's:
397 (i) current and expected income;

- 398 (ii) current obligations; and
- 399 (iii) employment.

400 (4) A title lender has met the requirements of Subsection (3)(d) if the person seeking a
401 title loan provides the title lender with a signed acknowledgment that:

- 402 (a) the person has provided the title lender with true and correct information
- 403 concerning the person's income, obligations, and employment; and
- 404 (b) the person has the ability to repay the title loan.

405 Section 9. Section **7-24-301** is amended to read:

406 **7-24-301. Enforcement by department -- Rulemaking.**

407 (1) Subject to the requirements of Title 63, Chapter 46b, Administrative Procedures
408 Act, the department may:

- 409 [~~(1)~~] (a) receive and act on complaints;
- 410 (b) take action designed to obtain voluntary compliance with this chapter; or
- 411 (c) commence administrative or judicial proceedings on its own initiative to enforce
- 412 compliance with this chapter[;] including the federal law incorporated by reference to this
- 413 chapter under Section 7-24-202.

414 (2) The department may:

- 415 [~~(2)~~] (a) counsel persons and groups on their rights and duties under this chapter;
- 416 [~~(3)~~] (b) make rules to:
- 417 [~~(a)~~] (i) restrict or prohibit lending or servicing practices that are misleading, unfair, or
- 418 abusive;
- 419 [~~(b)~~] (ii) promote or assure fair and full disclosure of the terms and conditions of
- 420 agreements and communications between title lenders and customers; or
- 421 [~~(c)~~] (iii) promote or assure uniform application of or to resolve ambiguities in
- 422 applicable state or federal laws or federal regulations; and
- 423 [~~(4)~~] (c) employ hearing examiners, clerks, and other employees and agents as
- 424 necessary to perform the department's duties under this chapter.

425 Section 10. Section **7-24-303** is amended to read:

426 **7-24-303. Penalties.**

427 (1) A person who violates this chapter or who files materially false information with a
428 registration or renewal under Section 7-24-201 is:

- 429 (a) guilty of a class B misdemeanor[~~;~~ and] except for a violation of:
- 430 (i) Subsection 7-24-202(1)(e)(i), (ii), or (iii); or
- 431 (ii) rules made under Subsection 7-24-301(2)(b); and
- 432 (b) subject to revocation of a person's registration under this chapter.
- 433 (2) Subject to Title 63, Chapter 46b, Administrative Procedures Act, if the department
- 434 determines that a person is extending title loans in violation of this chapter, the department
- 435 may:
- 436 (a) revoke that person's registration under this chapter;
- 437 (b) issue a cease and desist order from committing any further violations; [~~or~~]
- 438 (c) prohibit the person from continuing to extend title loans[~~;~~];
- 439 (d) impose an administrative fine not to exceed \$1,000 per violation, except that a fine
- 440 imposed under Subsection 7-24-201(2)(e) shall comply with Subsection 7-24-201(2)(e); or
- 441 (e) take any combination of actions listed under this Subsection (2).
- 442 (3) A person is not subject to the penalties under this section for a violation of this
- 443 chapter that was not willful or intentional, including a violation resulting from a clerical error.

444 Section 11. Section **7-24-305** is amended to read:

445 **7-24-305. Exemptions.**

446 The following are not subject to the requirements of this chapter:

- 447 (1) a depository institution authorized to do business in Utah as a depository
- 448 institution;
- 449 (2) a depository institution holding company authorized to do business in Utah as a
- 450 depository institution holding company; or
- 451 (3) an institution directly or indirectly owned or controlled by one or more:
- 452 (a) depository institutions authorized to do business in Utah as depository institutions;
- 453 or
- 454 (b) depository institution holding companies authorized to do business in Utah as
- 455 depository institution holding companies.

Fiscal Note
Bill Number SB0076S01

Lenders Registration Acts Amendments

07-Feb-06

8:10 AM

State Impact

Implementation can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst